


<b>NORTHAMPTON POLICE DEPARTMENT</b>  <b>Administration &amp; Operations Manual</b>		
<b>Policy: Domestic Violence Involving Department Employees</b>		<b>AOM: P-251, tb1</b>
Massachusetts Police Accreditation Standards Referenced:		Issuing Authority  Jody Kasper Chief of Police
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## I. Introductory Discussion

The Northampton Police Department recognizes that law enforcement personnel, whether sworn or civilian, are not immune from committing domestic violence against their intimate partners or being victims of domestic violence. Although no person is exempt, whatever his or her occupation, from the consequences of his or her actions that result in a violation of M.G.L. c.208, 209, 209A, 209C and/or Superior Court injunctions, the dynamics between the responding and accused

officers have the potential for making on scene decisions additionally difficult. The purpose of this directive is to establish clear guidelines for handling domestic violence situations involving Department employees as well as those instances in which the suspect is employed by another department. The following incident and response protocols are critical components to the integrity of the law enforcement profession and the trust of the community.

## **II. Definitions**

A. For the purposes of this policy, the following definitions apply:

**1. Domestic Violence:** Any act of violence (threatened or actual); perpetrated by a police officer (on or off duty) or any department employee, upon his/her partner including but not limited to:

- bodily injury or threat of imminent bodily injury;
- sexual battery;
- physical restraint;
- property crime directed at the victim;
- violation of a court order of protection, or similar injunction; and/or
- death.

**2. Partner:** Any persons who:

- Are or were married to one another
- Are or were residing together in the same household;
- Are or were related by blood or marriage;
- Having a child in common regardless of whether they have ever married or lived together; or
- Are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts (M.G.L. Ch. 209A,§1).

## **III. Response Procedures**

- A. The following procedures **shall** be adhered to when responding to a Domestic Violence situation involving a Department employee:

**1. Dispatchers:**

- a. **Shall** assign a high priority to all domestic violence calls including those that involve sworn officers and civilian personnel.
- b. **Shall** document all calls or reports of incidents of domestic violence including those involving sworn officers or civilian personnel.
- c. **Shall** dispatch appropriate police personnel including the on-duty patrol supervisor.
- d. **Shall** immediately notify the on-duty commanding officer of all domestic violence involving officers.

**2. Responding Officer's Responsibilities:** In addition to officers general responsibilities in responding to the scene, responding officers **shall**:

- a. Take immediate action to ensure the safety of the victim and all parties present.
- b. Proceed with an investigation in accordance with M.G.L. c.208, 209, 209A, 209C, M.G.L. c. 140 §29B, court orders and departmental **AOM 0211 Domestic Violence**. An alleged abuser's status as a police officer will never alter a responding officer's responsibilities to enforce the provisions of M.G.L. Ch. 209A.
- c. Request a supervisor of higher rank than the officer involved respond to the scene;
- d. Remain on scene until relieved by a responding supervisor.
- e. Document in a report their actions and complete such report prior to the end of their tour of duty.

Note: Refer to **AOM 0211tb1 Domestic Violence Reporting Requirements** for detailed instructions.

**3. Responding Supervisor's Responsibilities:**

- a. Immediately respond to the scene of the incident and conduct an investigation.
- b. Assess the actual and potential harm to the victim, children, and others present, and ensure their safety.
- c. Upon investigation, if the responding supervisor has reasonable cause to believe that there is evidence of physical abuse or that the threat of physical abuse exists, and the abuser is a sworn member of the department, the responding supervisor **shall** seize and take into custody, all department-issued firearms, licenses and equipment in possession of the officer. In addition the responding supervisor **shall** request the officer surrender all personally owned firearms and licenses. The responding supervisor **shall** ensure a check of the Firearms database is made.
- d. If the suspected officer does not have his or her department-issued firearm on his or her person or under his or her control at the time of the incident, the responding supervisor **shall** accompany the officer to the location at which the firearm is located and take custody of department-issued firearms, licenses and other weapons.
- e. Ensure enforcement of M.G.L. c. 208, 209, 209A, 209C, M.G.L. c.140, §29B, court orders and departmental **AOM 0211 Domestic Violence**.
- f. Ensure a check of the LEAPS database to determine if there are outstanding abuse prevention/restraining orders and or warrants in effect against the officer involved.
- g. Conduct a lethality assessment with the victim. The information gained shall be incorporated into the safety plan developed with the victim to include:
  1. Assistance in obtaining medical treatment, if necessary;

2. Inquiring whether the victim wants any weapons removed from his/her home for safekeeping by the department;
  3. Assistance in getting to a safe place, if he/she desires to leave;
  4. Providing notice of his/her rights (refer to ***AOM 0211.a Northampton Police Department Abuse Law***)
  5. Providing referrals such as the Victim Witness Advocate Program in the D.A.'s office, the D.V.I.P., or other women's shelter programs.
  6. Providing the victim with protection if necessary.
- h. Contact a Domestic Violence Intervention Program Advocate for assistance if available.
  - i. Prior to the end of his/her tour of duty, submit a detailed report of his/her assessment of the incident and action taken before the end of the supervisor's tour of duty.

**Note:** Refer to ***AOM 0211tb1 Domestic Violence Reporting Requirements*** for detailed instructions.

### **3. On-duty commanding officer's responsibilities upon being notified of a domestic violence incident involving a sworn officer:**

- a. Immediately notify the following persons of the incident:
  - Operations Division Commander (ODC)  
(If the accused officer is the Administrative or Operations Division Commander, the Chief of Police shall be notified and if unavailable, the District Attorney's office)
  - Chief of Police  
(If the accused officer is the Chief of Police, the District Attorney's office shall be notified, as well as their appointing authority, the Mayor of Northampton. Notice shall also be given to the Administration and Operations Division Commanders.)
- b. Ensure the on-duty supervisor has responded to the scene and commenced an investigation.
- c. Ensure the safety of the victim, children or others present at the scene.

- d. Ensure enforcement of all provisions of M.G.L. c.208, 209, 209A, 209C, M.G.L. c.140, §29B, court orders and departmental **AOM 0211 Domestic Violence**.
- e. Ensure reports and proper documentation of the facts and circumstances of the incident and the action taken are submitted through the proper channels in accordance with department procedures.
- f. Ensure the appropriate notifications are made in accordance with the department's procedures and chain of command. Notifications should include the commanding officer of the officer involved and the commanding officer of the jurisdiction in which the incident occurred.
- g. Review Department confidentiality guidelines with all officers involved with or aware of the domestic violence call and reaffirm that officers share information only on a need-to-know basis.
- h. Establish a clear delineation of assignments in order to assist victims in a coordinated and consistent manner.

#### **IV. Additional considerations**

- 1. Arrest warrants charging police officers with domestic assault and civil protective orders issued at a later time shall be served by no fewer than two officers with at least one being of senior rank to the officer being served.
- 2. All officers shall keep all information concerning victims confidential, including their whereabouts, safety plan, and any communications.
- 3. When responding to a domestic violence complaint involving a police officer from another jurisdiction, all responding officers, investigators, supervisors, and commanding officers shall follow the same procedures that are to be followed in responding to a domestic violence complaint regarding an officer from this department.

4. In the event that the reported incident involves the Chief, the commanding officer shall notify the Mayor.
5. In responding to an incident where the victim is a police officer, standard domestic violence response and investigation procedures should be followed.
6. In responding to domestic violence incidents where the parties involved are both police officers, standard domestic violence procedures should be followed. After probable cause and dominant aggressor determinations are made, an arrest should be made and all service weapons of the accused officer confiscated.
7. When a pattern of abusive behavior is detected, the Chief may issue an administrative order of protection. This is a directive from the Chief, commanding officer or supervisor ordering an officer to refrain from particular conduct toward a particular person as a condition of continued employment. This administrative order would be in addition to any abuse prevention or court order that may or may not be in effect.

## **V. Department Employee's Responsibilities**

- A. An officer who is the subject of a criminal investigation, protective or restraining order related to domestic violence, regardless of jurisdiction, is required to immediately report him/herself to his/her supervisor and provide copies of all such orders. Additionally, they shall provide their supervisor with notice of the court dates, times, appearances, and proceedings in a timely manner.
  1. The supervisor shall immediately inform the ODC and/or the ADC and the Chief of Police.
- B. No officer can be returned to full duty with a firearm until the circumstances of a Restraining order have been fully investigated.

## **VI. Operations Division Commander's Responsibilities**

A. It will be the responsibility of the ODC to:

1. Review all reports and documents;
2. Review steps taken to ensure safety of all parties;
3. Assign a Superior Officer to conduct an Internal Affairs Investigation on the involved officer (see **AOM P251 Citizen Complaints and Internal Investigations**);
4. Ensure that all weapons have been seized and that the accused employee is on temporary Administrative Duty or Leave;
5. Assign a liaison to work with the prosecuting/district attorney for the case;
6. Obtain the services of a Domestic Violence Intervention Program Advocate and/or Victim Witness Advocate, for continued oversight of the case;
7. Ensure that an officer does not respond to calls for domestic violence when he/she is a defendant him/herself in a 209A action, or if he/she is experiencing other problems with domestic violence; and
8. Ensure that an officer is not assigned to patrol/street duty if a restraining order has been issued against that officer.

## VII. Responsibility for Investigations

A. Administrative Investigations

1. All Administrative Investigations in this area will be the responsibility of the Operations Division Commander.

B. Criminal Investigations

1. All criminal investigations in this area will be the responsibility of the Detective Bureau Commander and/or any other assigned Supervisor, and shall be overseen by the Operations Division Commander.



2. If deemed appropriate or necessary, the Department may utilize an outside law enforcement agency with relevant jurisdiction.

## VIII. Discipline of Abusing Officer

- A. If, after internal investigation and/or hearing, it has been concluded that a Northampton Police Officer has been an abuser in a domestic violence situation and/or violated a domestic abuse order, appropriate disciplinary actions may be taken including suspension and termination (See ***AOM P250 Development of Discipline***).

1. If the offense does not reach the level of a conviction, at the Department's discretion the officer may be retained on administrative duty and/or suspension until a determination is made regarding his/her continued employment and/or fitness for duty. If an officer is retained, he/she will be required to participate in the following:

- a. Counseling;
- b. Re-training; and/or
- c. Adherence to court ordered programs or other measures that may be deemed necessary by the Department.

### 2. Criminal Conviction

- b. Federal law prohibits the possession of a firearm by anyone who is a defendant under an abuse order/petition. Also, Massachusetts law requires the surrendering of the defendant's firearms and the revocation of his/her License to Carry Firearms and/or Firearms Identification Card. If an officer is unable to obtain an amendment to the order/petition, allowing him/her to carry a firearm while on duty, the officer shall be subject to administrative leave, suspension and/or termination. As in any other disciplinary action, the officer shall have the right to an appeal under the

provisions of § 41 of Ch. 31 of the Massachusetts General Laws.

- c. Any police officer convicted of a domestic violence crime as defined herein shall have his/her police powers revoked.